

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

**SOUTHLAND CORPORATION
7-ELEVEN STORE NO. 22894
1030 NORTH BROADWAY
ESCONDIDO, CALIFORNIA
WDID NO. 9 000000910**

COMPLAINT NO. R9-2004-0061

FOR

ADMINISTRATIVE CIVIL LIABILITY

WITH

MANDATORY MINIMUM PENALTIES

**NONCOMPLIANCE WITH ORDER NO.
96-41, NPDES NO. CAG919002, GENERAL**

WASTE DISCHARGE REQUIREMENTS FOR

GROUNDWATER EXTRACTION AND SIMILAR

WASTE DISCHARGES FROM CONSTRUCTION

AND REMEDIATION PROJECTS TO SURFACE

WATERS WITHIN THE SAN DIEGO REGION,

EXCEPT FOR SAN DIEGO BAY

FEBRUARY 27, 2004

SOUTHLAND CORPORATION IS HEREBY GIVEN NOTICE THAT:

1. Southland Corporation is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the Regional Board on May 12, 2004, at the City of Laguna Beach Council Chambers, 505 Forest Avenue, Laguna Beach, California. The meeting will begin at 9:00 a.m. At the hearing, Southland Corporation will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. Additional notice of this public hearing and the hearing procedures will be provided to Southland Corporation prior to the hearing date with the agenda for the Regional Board meeting.
3. At the hearing, the Regional Board will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATION

4. On April 9, 2001 Southland Corporation violated Order No. 96-41, NPDES No. CAG919002, *General Waste Discharge Requirements For Groundwater Extraction And Similar Waste Discharges From Construction And Remediation Projects To Surface Waters Within The San Diego Region, Except For San Diego Bay*. This violation is due to an exceedance of the Hydrogen Sulfide Discharge Specification as reported in the April 2001 Monthly Monitoring Report. On August 7 and 31, 2001 Southland

Corporation violated Order No. 96-41 due to exceedances of the Total Suspended Solids (TSS) Discharge Specification.

5. The following facts are the basis for the alleged violation in this matter:
 - a. Southland Corporation is the owner of 7-Eleven Store No. 22894 located at 1030 North Broadway, Escondido, California. On May 22, 2000, the Regional Board enrolled Southland Corporation under Order No. 96-41 to discharge remediated groundwater to the San Luis Rey River via the Storm Water Conveyance System (WDID No. 9 000000910). On October 10, 2001, Order No. R9-2001-0096 replaced Order No. 96-41.
 - b. The Discharge Specifications' section of Order No. 96-41 states that the Hydrogen Sulfide Instantaneous Maximum is 0.01 mg/L. On June 4, 2001, the Regional Board received 7-Eleven Store No. 22894's April 2001 monthly monitoring report. On April 9, 2001, a Hydrogen Sulfide result of 1.0 mg/L, more than 40% greater than the Instantaneous Maximum Discharge Specification was reported.
 - c. The Discharge Specifications' section of Order No. 96-41 states that the Total Suspended Solids Instantaneous Maximum is 50 mg/L and the 30-Day Average is 30 mg/L. On September 27, 2001, the Regional Board received 7-Eleven Store No. 22894's August 2001 monthly monitoring report. On August 7, 2001, a Total Suspended Solids Instantaneous Maximum result of 240 mg/L, more than 40% greater than the Discharge Specification was reported. On August 17, 2001, a Total Suspended Solids Instantaneous Maximum result of <5 mg/L was reported. No other Total Suspended Solids results were reported for August 2001. Thus the 30-Day Average for the month of August 2001 was at least 120 mg/L, more than 40% greater than the Discharge Specification.
 - d. Water Code Section 13385(h)(2) states that a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more. Hydrogen Sulfide and Total Suspended Solids are Group 1 pollutants.
6. Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation. Under Water Code section 13385(h) the amount of the mandatory minimum penalty that must be assessed is \$9,000 for the three serious violations.

Southland Corporation
7-Eleven Store No. 22894
WDID No. 9 000000910
MMP Complaint No. R9-2004-0061


-3 of 3-

February 27, 2004

PROPOSED CIVIL LIABILITY

7. Pursuant to Section 13385 (h) of the Water Code a mandatory minimum penalty should be imposed on Southland Corporation by the Regional Board in the amount of \$9,000, the amount of the mandatory minimum penalty, for the above violations.

Dated this 27th day of February 2004.



JOHN H. ROBERTUS
Executive Officer